

Reg for Refund
3119104

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Vicky Ann Date: February 26, 2004
MAIL STOP 16

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Reissue Patent Application of:	:	
Robert H. Staat	:	
Conf. No.: 4290	:	Group Art Unit: 3617
Appln. No.: 08/999,730	:	Examiner: Samuel J. Morano IV
Filing Date: December 24, 1997	:	
For U.S. Patent. No.: 5,509,546	:	Attorney Docket No.: 7311-24RE
Granted: April 23, 1996	:	
Title: Magnetically-Actuated Coupler for Model Railroad Cars	:	

REQUEST FOR REFUND OF NOTICE OF APPEAL FEE

The above-identified reissue patent application was filed on December 24, 1997. A Notice of Appeal Fee was unduly posted to our deposit account on June 6, 2003 in the amount of \$320. We hereby request that a refund of (\$320) be applied to the account of Akin Gump Strauss Hauer & Feld LLP, Deposit Account No. 50-1017.

History and Listing of Enclosed Copies of Supporting Documentation:

- a. A Notice of Appeal was filed on October 24, 2001. Check No. 9052 of the same date covering the fee in the amount of \$320 was paid. See PTO stamped postcard.
- b. An Appeal Brief was filed on February 4, 2002. Check No. 10144 dated February 4, 2002 in the amount of \$320 accompanied the filing. See PTO stamped postcard.

c. In May 2002, the Examiner withdrew the application for further examination before any decision was reached in or with respect to the appeal.

d. A second Notice of Appeal was filed in June 2003. It expressly indicated that no fee was due because a fee had been paid with the original Notice filed in 2001. The fee was improperly charged against our account on June 6, 2003 in the amount of \$320. See facsimile transmission sheet.

e. On June 6, 2003, our firm's Monthly Statement of Deposit Account lists the overcharge of \$320 by the PTO, which had already been paid to the U.S. Patent and Trademark Office by Check No. 9052 dated October 24, 2001.

f. Under MPEP 1208.03 the fees paid in connection with the original 2001 filing were to be applied to this later appeal of the same application.

Please credit our Deposit Account No. 50-1017 in the amount of \$320.00.

A duplicate copy of this request is enclosed.

Respectfully submitted,

Robert H. Staat

26 Feb 2004
(Date)

By.

JOHN JAMIESON

Registration No. 29,546

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1310

Facsimile: 215-965-1210

E-Mail: jjamieson@akingump.com

JJ/vbm